

Entered - 01/27/99 - sb
CL99L0020 - DIANNE C. MITCHELL

CLAIM OF: CARRIE L. BURLEY,
through her attorney,
Marcus M. Cornelius, III
P. O. Box 167
St. Augustine, Florida 32085-0167

For damages alleged to have been sustained as a result of personal
injuries due to a fall on the sidewalk on November 27, 1998 at
Piedmont Avenue and Baker Street.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell by RRG/SCA
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0020

Date: November 15, 2000

Claimant /Victim CARRIE L. BURLEY

BY: (Atty) Marcus M. Cornelius, III

Address: P. O. Box 167, St. Augustine, Florida 32085-0167

Subrogation: _____ Claim for Property damage \$ 11,676.81 Bodily Injury \$ _____

Date of Notice: 01/21//99 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/27/98 Place: Piendont Avenue and Baker Street

Department PRCA Division: Parks

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges she was injured when she tripped and fell on the sidewalk in the “Folk-Art Park” on Piedmont Avenue at Baker Street. The investigation determined that the City had no notice of any problems at this location prior to or after the claimant’s fall. Furthermore, the claimant has filed a lawsuit to resolve the issues raised in her claim.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X

Pictures X Diagrams _____ Reports: Police _____ Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ X _____ Ministerial _____

Improper Notice _____ More than Six Months _____ Other ☒ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager: [Signature] Concur/date 11-15-05

Committee Action: ✓ Council Action _____

RECEIVED JAN 21 1999

MARCUS M. CORNELIUS
Member: Florida Bar
Georgia Bar
D.C. Bar

MARCUS M. CORNELIUS III & ASSOCIATES, P.A.
ATTORNEYS AT LAW

Telephone 904-826-4005
Facsimile 904-826-4010

JOHN P. CORRISS
Member: Florida Bar
N.Y. Bar

1590 Arapaho Avenue
Post Office Box 167
St. Augustine, Florida 32085-0167

Personal Injury
Workers' Compensation
Social Security Disability

ENTERED - 1-27-99-SB
99L0020 - DIANNE MITCHELL

Mitchell

01/22/99

[Signature]

January 13, 1999

Sherry Butler, Claims Manager
City of Atlanta
68 Mitchell Street, S.W.
Atlanta, GA 30335

Dear Ms. Butler:

Please be advised I have agreed to represent Carrie L. Burley in a possible civil action against the City of Atlanta. Please consider this an official Notice of Claim under applicable Georgia Statutes.

My client advises me that on the very early evening hours of November 27, 1998 that she fell in the vicinity of Ralph McGill Boulevard and the intersection of Piedmont Avenue. More specifically, she fell between the Civic Center and a paved vacant lot. The probable cause for her fall was an area of the sidewalk which was uneven. Indeed, after she fell, another lady, Ms. Kijah Humphus of Columbus, Georgia, fell. To be sure, there was a guard posted near the Civic Center in the area of the vacant paved lot who stated to Ms. Burley that several people had fallen in that area and that the City knew that they had a dangerous condition in that area.

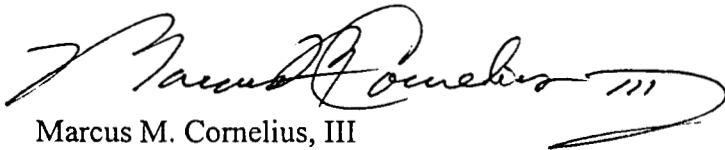
As a result of this fall, Ms. Burley fractured five ribs, severely injured her face and eyes, and lacerated her right shin and further injured her right knee. As a result of the facial injuries, Ms. Burley had to have stitches in her nose and now has permanent scarring on her face.

At the present time, it appears that Ms. Burley has approximately \$3,000.00 in medical bills, permanent scarring and a significant amount of pain and discomfort as a result of the City's negligent omission.

At this time, I would appreciate your turning this matter over to your insurance carrier or, in the alternative, if the City is self-insured, to have a city adjuster contact me regarding this claim. We will forebear filing any action in this case until February 15, 1999. I am enclosing laser copies of photograph depicting the injuries to Ms. Burley. If you have any questions concerning my

representation, please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marcus M. Cornelius, III". The signature is fluid and cursive, with a long horizontal stroke at the end.

Marcus M. Cornelius, III
Attorney at Law

Enclosures
MMC/ckl

cc: Carrie Burley
Susan Langston, Esq., City Attorney
Hon. William Craig Campbell, Mayor

00- R -1926